

BARNETT LAW FIRM, P.A.

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November 21, 2008

Thomasenia P. Duncan, General Counsel
Office of General Counsel
Federal Election Commission
999 E Street, N.W.,
Washington, D.C. 20463

RE: MUR # 6120

2008 NOV 31 A 11:05
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

Dear Ms. Duncan,

This letter is written on behalf of Darren White in response to the Complaint filed before the Federal Election Commission, by Brian S. Colon, Chairman of the Democratic Party of New Mexico. This Complaint has been assigned Matter Under Review # 6120 by the Federal Election Commission. The Complaint filed by Brian S. Colon names three Respondents, Darren White, the Republican Campaign Committee of New Mexico (RCCNM), and Freedom's Watch. This letter is only intended to serve as the response of Respondent Darren White.

The Complainant alleges that Darren White has violated the Federal Election Campaign Act by accepting an illegal in-kind contribution. The Complainant also alleges that Darren White has violated the Federal Election Campaign Act by failing to properly report coordinated communications.

Darren White denies any and all allegations made against him in the Complaint. The allegations made against Darren White have no merit and do not warrant the further use of Commission resources. As such, the Complaint against Darren White should be dismissed.

COMPLAINT #1

"The RCCNM Made, and White Accepted, an Illegal In-Kind Contribution."

- **Darren White did not accept an illegal in-kind contribution. Darren White denies any coordination between himself and the RCCNM.**

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Complainant begins his allegation by assuming, but providing no evidence, that the RCCNM coordinated an advertisement with Darren White. Complainant states that because Darren White serves on the Executive Committee of the Republican Party of New Mexico, that the two entities must have coordinated activities. "Assuming there was coordination... White violated 2 U.S.C. § 441a" by accepting prohibited contributions in excess of \$2,300.

As stated above, Darren White denies this complaint. Darren White did not coordinate with the RCCNM and he did not accept an illegal in kind contribution. The Complainant "assumes" coordination based upon Darren White's involvement with the Executive Committee of the Republican Party of New Mexico. However, according to Party records, the last meeting of the Executive Committee took place in December of 2007. This was almost a full year before any alleged coordination would have taken place. Furthermore, Darren White did not attend the December 2007 Executive Committee Meeting. Complainant provides no additional evidence of coordination.

Because there was no coordination between Darren White and the RCCNM, there is no substance for the complaint that Darren White accepted an illegal in-kind contribution. There was no coordination and therefore no illegal contribution. Darren White did not violate 2 U.S.C. § 441a.

Darren White is responding to the Complaint on behalf of himself and he does not speak on behalf of Freedom's Watch or the RCCNM.

COMPLAINT #2

"Freedom's Watch Made, and RCCNM Accepted, an Illegal In-Kind Contribution from RCCNM."

- **Darren White has no knowledge of an illegal in-kind contribution made by Freedom's Watch to the RCCNM. Darren White denies any coordination between himself and Freedom's Watch or the RCCNM.**

The Complaint alleges that an ad run by Freedom's Watch and an ad run by the RCCNM were coordinated. They make this allegation because both ads were created by the same vendor and both ads contained an identical photograph. "Assuming there was coordination"...the Complaint alleges violations of 2 U.S.C. § 441a. and 2 U.S.C. § 441b.

As stated above, Darren White has no knowledge of any illegal in-kind contributions made by Freedom's Watch to the RCCNM. Darren White has no knowledge of any coordination between Freedom's Watch and the RCCNM. Darren White has not coordinated with Freedom's Watch or the RCCNM.

Darren White is responding to the Complaint on behalf of himself and he does not speak on behalf of Freedom's Watch or the RCCNM.

COMPLAINT #3

"Freedom's Watch May Have Failed to register as a Political Committee with the FEC."

- **Darren White denies any coordination between himself and Freedom's Watch or the RCCNM. Darren White has no knowledge of any registration requirements that Freedom's Watch may have been subject to. Darren White has no knowledge of any failure to act on registration requirements by Freedom's Watch.**

The Complaint alleges that "If Freedom's Watch coordinated with the RCCNM, then Freedom's Watch made expenditures in excess of \$1,000 during the calendar year and is therefore subject to the requirements of 2 U.S.C. §§ 431(4), 433.

As stated above, Darren White has no knowledge of any registration requirements that Freedom's Watch may have been subject to and he has no knowledge regarding the accusation that the requirements were violated. Darren White has no knowledge of any coordination between Freedom's Watch and the RCCNM. Darren White has not coordinated with Freedom's Watch or the RCCNM.

Darren White is responding to the Complaint on behalf of himself and he does not speak on behalf of Freedom's Watch or the RCCNM.

COMPLAINT #4

"White, RCCNM, and Freedom's Watch May Have failed to Properly Report Coordinated Communications."

- **Darren White denies any coordination between himself and Freedom's Watch or the RCCNM. Darren White denies that he failed to report coordinated communications.**

The Complaint alleges that "Assuming that (advertisement) was coordinated with White, White was obligated to report the cost of the expenditure as a receipt and as expenditure." Coordinated communications must be reported to the Commission as expenditures under 11 C.F.R. § 109.21(b)(1). Coordinated communications must be reported to the Commission as both expenditures and receipts under 11 C.F.R. §109.21(b)(3).

As stated above, Darren White did not coordinate with Freedom's Watch and Darren White did not coordinate with the RCCNM. Darren White has no knowledge of any coordination between Freedom's Watch and the RCCNM.

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Complainant again begins his allegation by assuming, but providing no evidence, that the RCCNM, Freedom's Watch and Darren White coordinated activities. This is not true. Because there was no coordination between Darren White and the RCCNM, there is no substance for the complaint that Darren White failed to report coordinated communication. There was no coordination and therefore no requirement to report. Darren White did not violate 11 C.F.R. § 109.21(b)(1) or 11 C.F.R. §109.21(b)(3).

Darren White is responding to the Complaint on behalf of himself and he does not speak on behalf of Freedom's Watch or the RCCNM.

The Complainant has failed to provide any evidence that Respondent Darren White violated the Federal Elections Campaign Act. Darren White did not coordinate with the Republican Campaign Committee of New Mexico. Darren White did not coordinate with Freedom's Watch. The entire complaint is based upon assumptions of coordination; however the Complainant can not provide any actual information to substantiate that claim.

Darren White did not accept an illegal in-kind contribution, nor did he fail to properly report coordinated communications. The Complaint against Darren White has no merit. No further action should be taken by the FEC against Darren White. At this time, Darren White is requesting that the complaint against him be dismissed and that this file be closed.

Thank you for your time and attention in this matter.

Sincerely,
BARNETT LAW FIRM, P.A.

BY: 
CHRISTOPHER P. COLLINS

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MUR # 6120

DARREN WHITE,

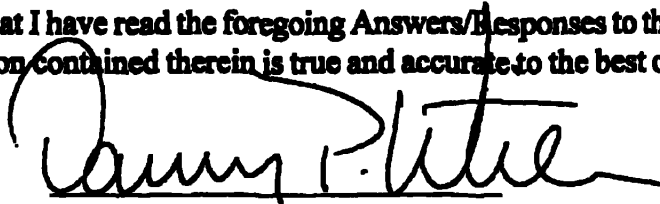
Respondent

VERIFICATION

STATE OF NEW MEXICO)
)
COUNTY OF BERNALILLO)

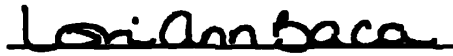
ss.

I, Darren White, hereby state that I have read the foregoing Answers/Responses to the Complaint and state that the information contained therein is true and accurate to the best of my knowledge and belief.



Darren White

SUBSCRIBED AND SWORN to before me this 21st day of November, 2008 by
Darren White.



Notary Public

My Commission Expires: 9/22/2012

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FEDERAL ELECTION COMMISSION
999 E Street, NW
Washington, DC 20463

FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

2008 NOV 31 A 11: 05

STATEMENT OF DESIGNATION OF COUNSEL
Please use one form for each Respondent/Client
FAX (202) 219-3923

MUR # 6120

NAME OF COUNSEL: Christopher P. Collins

FIRM: Barnett Law Firm

ADDRESS: 1905 Wyoming Blvd., N.E.

Albuquerque, N.M. 87112

TELEPHONE- OFFICE (505) 275-3200

FAX (505) 275-3837

The above-named individual and/or firm is hereby designated as my
counsel and is authorized to receive any notifications and other communications
from the Commission and to act on my behalf before the Commission.

11/21/08
Date

DARREN WHITE
Respondent/ Client Signature

SHERIFF
Title

RESPONDENT/CLIENT DARREN WHITE
(Please Print)

MAILING
ADDRESS: P.O. BOX 16601

ALBUQUERQUE, NM 87191

TELEPHONE- HOME _____

BUSINESS (505) 768-4100

Information is being sought as part of an investigation being conducted by the Federal Election
Commission and the confidentiality provisions of 2 U.S.C. § 437g(a)(12)(A) apply. This section
prohibits making public any investigation conducted by the Federal Election Commission without
the express written consent of the person under investigation

Rev. 2006

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